

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOHN ANTHONY GENTRY,)	
)	
Plaintiff,)	
)	No. 3:17-cv-00020
v.)	
)	Judge Trauger/Magistrate Judge Holmes
THE TENNESSEE BOARD OF)	
JUDICIAL CONDUCT;)	
THE HONORABLE CHRIS CRAFT,)	
TIMOTHY R. DISCENZA;)	
THE STATE OF TENNESSEE,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Defendants move this Court to dismiss this case pursuant to Fed. R. Civ. P. 12(b)(1) and (6) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Defendants rely on the following grounds to support their dismissal:

1. Plaintiff lacks standing to challenge the Board's dismissal of his complaint;
2. Plaintiff fails to state a claim because dismissal of a complaint by the Tennessee Board of Judicial Conduct ("Board") does not implicate a constitutional or legal right that gives rise to a 42 U.S.C. § 1983 action;
3. Plaintiff fails to state a claim under 42 U.S.C. § 1985 because Defendants are members of the same collective entity, the Board, and so there are not two "people" to form a conspiracy;
4. Plaintiff fails to state a claim against the State, the Board, and any Defendants in their official capacity because Defendants are not "persons" under § 1983;

5. Judge Craft, in his individual capacity, is entitled to quasi-judicial immunity;
6. Timothy Discenza, in his individual capacity, is entitled to prosecutorial immunity;
and
7. The Eleventh Amendment bars Plaintiff's claims against the State, the Board, and
any Defendants in their official capacities.

Judge Craft and Timothy Discenza affirmatively raise and do not waive the defense of qualified immunity for claims against them in their individual capacity. For the reasons stated, Defendants requests that this Court grant their Motion to Dismiss.

Respectfully Submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

s/ Stephanie A. Bergmeyer
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed electronically, and served by first-class mail, postage prepaid on this 28th day of February, 2017, to:

John Anthony Gentry
208 Navajo Court
Goodlettsville, TN 37072

s/ Stephanie A. Bergmeyer
Stephanie A. Bergmeyer